

Responsiveness Summary: Halaco Superfund Site Non-Time Critical Removal

U.S. Environmental Protection Agency Region IX
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Introduction

This document provides the U.S. Environmental Protection Agency's (EPA) responses to questions and comments received on the Engineering Evaluation and Cost Analysis Report (EE/CA) for the removal of two industrial buildings at the Halaco Superfund Site (Halaco Site or Site). On December 29, 2009, a notice of availability of the EE/CA was sent to individuals and organizations on EPA's Halaco mailing list. The EPA also announced the availability of the EE/CA in two newspapers serving the Oxnard area. Announcements were placed in the Ventura County Star (in English) and La Vida (in Spanish) on December 29, 2009. The Public Comment Period for the removal at the Halaco Site opened on December 29, 2009 and closed on January 29, 2010. The EE/CA is available on EPA's website and in the Administrative Record for the Halaco Site at the South Oxnard Branch Library.

Stakeholder Issues and EPA Responses

EPA received comments from Congresswoman Lois Capps, State Senator Fran Pavley, the Ventura County Air Pollution Control District, the Ventura County Board of Supervisors, the Ventura County Resource Management Agency Environmental Health Division, the Santa Barbara Channelkeeper, the California Coastal Conservancy, the City of Oxnard's Graffiti Task Force Administrator, the League of United Latin American Citizens, the Los Padres Sierra Club, and several individual community members. Most comments received were supportive of the demolition of the buildings and encouraged EPA to proceed with the removal. There were questions and concerns about the following issues:

- Long-term remedial plan for the Site, including the waste pile
- Other buildings on the Site
- Using concrete as fill in on-site vaults
- Compliance with applicable State requirements
- Notification and coordination with local agencies
- Role of the responsible parties in conducting the cleanup
- Exposure to the soil under the buildings once the buildings are removed
- Storm water runoff during demolition
- Impacts on surrounding neighborhoods and school activities
- Past actions by other agencies

EPA has considered all comments received. Responses to questions and concerns are provided below, grouped by topic.

1. Question/Comment: What is happening to the waste pile? Is this the only action that will happen on the smelter parcel? How does this action relate to the longer plan for the Site? EPA should remove the waste pile and the “whole Halaco smelter area” immediately. The Site should become a wetland.

EPA Response: This is not the only action EPA expects to take to remediate the Halaco Site. This removal action (i.e., demolition of the two buildings) is intended to protect public health and the environment in the short-term by addressing an immediate Site risk. Additional cleanup is likely to be needed of the smelter parcel, the waste pile, and the surrounding properties. To determine how best to clean up these areas, and to make sure cleanup funds are properly spent, EPA needs additional information about the types, levels, extent, and health risks posed by the contaminants in each area. EPA has begun collection of this information as part of the Remedial Investigation and Feasibility Study (RI/FS) for the site. The RI/FS includes a large testing effort that began in October 2009 and will continue through about June 2010. The testing effort includes the collection and analysis of soil, soil gas, sediment, water, plant, insect, fish, and air samples. After analysis of the test data, EPA will evaluate cleanup options and develop cleanup proposals for contaminated portions of the Site. A cleanup proposal for an initial portion of the Site is likely late this year or in 2011, with additional proposals for other parts of the Site expected to follow in 2011 and/or 2012. EPA will consult with the city and interested community members as it develops these proposals.

EPA does not own any of the properties that are part of the Halaco Site, but is working with the property owners, the city of Oxnard, and local community representatives to identify possible future land uses, including restoration as wetlands. EPA will consider both current land use and reasonably anticipated future land use in the development of cleanup plans for the Site and evaluate cleanup options as prescribed by the Superfund law and implementing regulations. (See <http://www.epa.gov/superfund/cleanup/analys.htm> for information on the criteria EPA uses to evaluate “remedial alternatives.”) The public will have the opportunity to comment on EPA’s proposed cleanup plans before cleanup work begins.

2. Question/Comment: Why is EPA only removing two of the buildings? Leaving the other buildings will leave graffiti attraction. The cinder block wall is an “eyesore”. Foundations will provide an incentive for trespassing for recreational skateboarding. All buildings, “concrete parking lots/pads” and “cinder block enclosure walls” must be

totally removed. The removal must include “digging down and removing the eighty year old Oxnard City Burn Dump”.

EPA Response: The two process buildings scheduled for removal are structurally unsound and pose a risk of failure or collapse. The presence of elevated levels of metals in loose materials in the buildings, and the presence of asbestos in several locations in the buildings, creates a threatened release of hazardous substances into the environment. EPA is therefore removing these two buildings to prevent exposure to Site contaminants and to prevent injury to persons on-site. EPA’s mandate is to protect human health and the environment. The other buildings and wall currently do not pose an immediate health risk because they are structurally sound and/or relatively uncontaminated, and thus cannot be justifiably included in this removal action. As note in response #1 above, additional cleanup is likely to be needed of the smelter parcel and other parts of the Site. As part of its investigation of the smelter parcel, EPA is also evaluating whether the former dump or buried waste materials pose risks to human health or the environment and need to be removed. EPA continues to work with the City of Oxnard and property owners to discourage trespassing.

3. Question/Comment: Why will the concrete debris be broken into pieces and used as fill in on-site vaults? Is the concrete contaminated? The concrete should be removed from the Site.

EPA Response: The goal of this removal is to prevent injury and/or exposure from the two industrial buildings. There are several open vaults underneath the buildings on the Site, which will be exposed once the buildings are removed. These vaults, which are up to five feet deep, will present a fall hazard once exposed. Temporarily filling the pits with small pieces of concrete and covering them with asphalt or other material to create a flat surface will reduce this hazard. Based on testing completed in December 2009, the concrete is not a hazardous waste. Any concrete debris that appears contaminated will be tested and, if appropriate, disposed at an approved offsite facility.

4. Question/Comment: The California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.95 may apply to the project.

EPA Response: EPA is coordinating with the Environmental Health Division of the Resource Management Agency of the County of Ventura to determine what State requirements may be “applicable or relevant and appropriate requirements” (ARARs) in addition to the ARARs already identified in the EE/CA report. EPA is not required to obtain permits for work at Superfund Sites pursuant to Section 121 (e) of the Comprehensive Environmental Response Liability and Compensation Act (“CERCLA”),

42 U.S.C. § 9621(e). Rather, EPA is required to comply with substantive elements of applicable or relevant and appropriate laws and regulations, and EPA will do so for this removal.

5. Question/Comment: Will EPA provide the Ventura County Air Pollution Control District with notification of the demolition?

EPA Response: Yes. EPA is coordinating the demolition with local agencies including the Ventura County Air Pollution Control District, the Ventura County Resources Management Agency, the Oxnard Fire Department, and the City of Oxnard.

6. Question/Comment: Taxpayers and EPA should not have to pay for the cleanup instead of the “perpetrators”.

EPA Response: EPA’s policy is for parties that are liable pursuant to the Superfund law to pay for or carry out investigation and cleanup work, and reimburse EPA when government funds are used to investigate or clean up a site. In keeping with this policy, EPA has named several potentially responsible parties at the Halaco Site, including current and former owners and operators, and asked these parties to conduct or pay for the demolition. The parties have claimed that they cannot afford to do so. EPA is evaluating their claims. EPA has also filed a claim in the Halaco bankruptcy, and is evaluating whether there are other viable potentially responsible parties that could pay for investigation or cleanup work at the Site. In the meantime, EPA is using federal funds to pay for the demolition and the Remedial Investigation underway at the Site.

7. Question/Comment: How is EPA going to treat or cover the ground beneath the buildings once the buildings are removed to prevent exposure?

EPA Response: EPA will leave the existing concrete slab foundation and paved parking surfaces in place after the demolition. The removal action will not increase exposure to waste materials or contaminated soils at the Site.

8. Question/Comment: We are concerned about potential transport of waste materials from the Site via storm water and request explicit affirmation that EPA will employ all appropriate Best Management Practices required pursuant to California’s General Permit for Discharges of Storm Water Associated with Construction Activity throughout the demolition process.

EPA Response: EPA will utilize Best Management Practices (BMPs) in accordance with the Clean Water Act (“CWA”) section 402(p) National Pollutant Discharge Elimination

System (“NPDES”) storm water requirements for industrial facilities, found at 33 U.S.C. § 1342(p), 40 C.F.R. section 122.26, and in EPA’s NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (“MSGP”). BMPs may include erosion control materials such as sandbags or silt fencing to block potential runoff locations, and minor surface grading to diminish the potential for runoff during heavy rain events. If necessary during heavy rains, temporary storage tanks will be used to prevent excess water from leaving the Site.

9. Question/Comment: How will transport of contaminated materials impact the surrounding neighborhoods?

EPA Response: There will be a minor and temporary increase in truck traffic removing scrap metal and debris from the site during the removal action. Dust control measures and air monitoring will occur during the removal action to ensure that contaminated materials are contained onsite. The school activities planned in the adjacent wetland areas should not be impacted by the on-site activities, although there could be some noise from the heavy equipment.

10. Question/Comment: The Ventura County Air Pollution Control District issued several notices of violation to Halaco, but VCAPCD is not listed in the report.

EPA Response: We agree that the VCAPCD should have been included in the list of agencies that had issued orders or notices of violation to Halaco.

Administrative Record

The full texts of all public comments on the EE/CA are included in the Administrative Record for Halaco Site.